

# Discussion Draft

## Bayer Mitigation Proposal

Meeting Date: Aug 20, 2020

- 1) Increase wind-directional buffer to 250 feet – *(Waiting for EFED data review – Additional questions may apply)*
  - a. Given that buffers, especially larger buffers as suggested, may require growers to forego treating edges of their fields with dicamba, how are farmers controlling weeds in the buffers?
  - b. Do you provide information to growers about weed control programs for buffers?
  - c. Could we have a copy of the buffer weed control program?
- 2) Mandatory tank mix with buffering agent – *(Waiting for EFED data review – Additional questions may apply)*
  - a. Is the buffering agent already on the market?
  - b. How will growers get it (e.g., piggy-back purchase of additive to the Xtendimax package)?
  - c. What will the price per acre be for this additive, as well as the price of Xtendimax?
  - d. What is the proposed label language associated with the adjuvant? Will it be on the label or tank mix website?
    - i. EPA is concerned with the ability of the user to use the additive appropriately. How will this be addressed?
- 3) Revise soybean growth stage restriction from R1 to V4
  - a. Why does Bayer think an earlier growth stage cutoff would be effective in reducing off-site movement/incidents in adjacent areas?
  - b. For mitigation of off-target movement, why is the growth stage of the DT crop receiving OTT applications important?
  - c. In terms of mandatory or enforceable label parameters, how is this use pattern different than what was registered before?
  - d. How would this change address the number and timing of incident reports over last four years, especially as the season progresses?
  - e. Is this verifiable in the enhanced recordkeeping?
  - f. How does a growth stage cutoff act to restrict OTT applications on areas larger than an individual field?
  - g. Double crop soybeans are late planted and allow for applications late in the season. How did Bayer determine that incidents do not occur from double cropped beans?
  - h. Which growth stage system is Bayer recommending, Fehr and Caviness (1971)?

- 4) Simplify label
  - a. The “print restricting” idea is confusing because the master label that would be stamped would still retain all registered uses. Why would this be preferable to two separate registrations for same formulation?
  - b. Does Bayer have a specific proposal for label simplification?
- 5) Optional hooded sprayer to relieve above restrictions
  - a. Because use of a hooded sprayer only impacts drift (not volatility), does Bayer intend that anything other than the downwind buffer be subject to change?
  - b. How does Bayer intend to support this?
  - c. This appears only to offer relief of mitigation; does Bayer intend anything mandatory in this area that would count towards additional protection?
  - d. Can Bayer explain what constitutes a “hooded sprayer”? Would this be defined on the label?
  - e. Because equipment-specific directions would be needed on the label, would this further complicate the label?

### Additional Items Not in Proposal

- 6) Is Bayer intending to submit proposed changes to cotton?
  - a. If no, why? Does Bayer have data that suggest there are no incidents that result from applications to cotton?
- 7) Is Bayer proposing anything other than the buffering agent to address volatility on the label?